

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

SARAH,

Plaintiff,

v.

Google LLC, YouTube LLC, James JACKSON,
also known online as “ONISION,” and LUCAS
JACKSON, formerly known online as
“LAINEYBOT,” “LAINEY” and “KAI,”

Defendants.

CASE No: 1:23-cv-00223-HYJ-SJB

HON. HALA Y. JARBOU

****CORRECTED****

**DEFENDANTS GOOGLE LLC AND YOUTUBE LLC’S MOTION TO DISMISS
COMPLAINT FOR FAILURE TO STATE A CLAIM**

Pursuant to Fed. R. Civ. P. 12(b)(6) and 47 U.S.C. § 230, Defendants Google LLC and YouTube, LLC move this Court to dismiss Plaintiff’s Complaint in its entirety. As set out more fully in the accompanying Brief in Support of this Motion, Plaintiff’s claims fail to state a claim because Plaintiff’s claims under 18 U.S.C. § 2255 (Count III, which is based on alleged violation of 18 U.S.C. § 1591(a); and Count IV, which is based on an alleged violation of 18 U.S.C. § 2422) fail because Plaintiff seeks to hold YouTube vicariously liable for the Jackson Defendants’ actions. But the private right of action created by § 2255 does not allow secondary liability, and Plaintiff’s allegations do not come close to suggesting that YouTube itself violated § 1591 (by trafficking Plaintiff or “knowingly assisting, supporting, or facilitating” the Jackson’s alleged trafficking effort) or § 2422 (by knowingly persuading Plaintiff to engage in illegal sexual activity). Additionally, any claim under § 2255 is barred by the Communications Decency Act, 47 U.S.C. § 230(c)(1) (“§ 230”), because it seeks to hold YouTube liable for publishing (or failing to remove) content created by the Jacksons.

Additionally, Plaintiff fails to state a claim under 18 U.S.C. § 1595, which is predicated on an alleged violation of § 1591 (Count II). Plaintiff does not allege that Google and YouTube have

committed a criminal violation of § 1591 which is required to evade § 230's immunity. Plaintiff has also not pleaded a claim under § 1595 independently.

Pursuant to Local Rule 7.1(d), counsel for Defendants certifies that he requested Plaintiff's concurrence in this Motion via email and phone correspondence. Plaintiff does not concur in the relief sought in this Motion and intends to file an opposition.

Respectfully submitted,

Clark Hill PLC

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DATE: May 22, 2023

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DATE: May 22, 2023

Attorneys for Defendants
GOOGLE LLC and YOUTUBE, LLC

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2023, I caused the foregoing paper to be electronically filed with the Clerk of Court using the ECF system, which will send notification to counsel of record.

By: /s/ Christopher M. Trebilcock
Christopher M. Trebilcock